

Canadian Embassy



Ambassade du Canada

501 Pennsylvania Avenue, N.W.
Washington, D.C. 20001

May 21, 2002

Ambassador Marc Grossman
Under Secretary for Political Affairs
Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Marc
Dear Ambassador Grossman,

I am writing in response to your letter of May 20 and other recent correspondence received from the Department of State inviting the Government of Canada to join the Government of the United States in making a reference to the International Joint Commission (IJC) on the compliance with the Boundary Waters Treaty (BWT) of the proposed Devils Lake outlet project.

We note in the letter from the Director of Canadian Affairs, Ms. Nancy Mason, dated 17 April 2002, that a Devils Lake outlet has not been recommended as the preferred option in the U.S. Army Corps of Engineers draft Integrated Report and Environmental Impact Statement (EIS), published on 26 February 2002. As you are aware, the period of public consultation concerning the outlet was extended to accommodate the degree of concern which appears to surround this proposal. Indeed Canada has submitted its own concerns on the draft EIS which I have attached.

In the view of the Government of Canada, it is inappropriate to refer to the IJC a proposal, such as the potential Devils Lake project, which is neither finalized nor recommended by the Army Corps of Engineers, to determine whether it would be compliant with the provisions of the Boundary Waters Treaty. At this stage, there is simply no basis for serious comparison of alternatives to address the reported problems of flooding and their respective degree of compliance with the BWT provisions.

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Furthermore, there are other Garrison water diversion and inter-basin transfer proposals, such as the Northwest Area Water Supply project, that also have potential transboundary effects, which will need to be addressed in a reference. In order to avoid multiple references to the IJC, it would appear sensible at the appropriate time, to discuss a reference that would be broader than that pertaining simply to the Devils Lake outlet.

Yours sincerely,


Michael Kergin
Ambassador